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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,960	07/10/2006	Earl Fenton Goddard	6589-72243-01	1619
24197 7590 02/16/2010 KLARQUIST SPARKMAN, LLP 121 SW SALMON STREET SUITE 1600 PORTLAND, OR 97204				
EXAMINER KO, JASON Y				
ART UNIT 1792		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### CONTINUATION SHEET

1. The proposed amendments are not being considered because they raise new issues that would require further consideration and/or search. Applicant's arguments are not responded to because they are directed to the new proposed claim amendments, which are not being considered. The only argument which appears to be directed to a previous office action, that cleaning fluid and water are not the same, is not persuasive because water is a well known cleaning fluid. It is unclear why Applicant does not think that water does not serve as a cleaning fluid, because it is well known and extremely obvious to use water for cleaning, and water is a fluid. Furthermore, it is fundamental that an apparatus claim defines the structure of the invention and not how the structure is used in a process, or what materials the structure houses in carrying out the process. *Ex parte Masham*, 2 USPQ2d 1647, 1648 (BPAI 1987). See also *In re Yanush*, 477 F.2d 958, 959, 177 USPQ 705,706 (CCPA 1973); *In re Finsterwalder*, 436 F.2d 1028, 1032, 168 USPQ 530, 534 (CCPA 1971); *In re Casey*, 370 F.2d 576, 580, 152 USPQ 235,238 (CCPA 1967). As long as the apparatus of Minkin is capable of spraying form a common cleaning fluid supply, the prior art apparatus meet the requirements of the claimed feature. Applicant has not established on this record any structural distinction between apparatus within the scope of the rejected claims and the apparatus fairly described by Minkin, and no such structural distinction is apparent.
2. A new IDS has been submitted per Applicant's request to replace the previous one dated 11/18/2005, which the Examiner inadvertently did not initial the bottom references.

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